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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1976

No. 76-331

THE NORTH CAROLINA UTILITIES COMMISSION, SOUTHEASTERN ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS, NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS, et al.,

Petitioners,

vs.

THE FEDERAL COMMUNICATIONS COMMISSION and THE UNITED STATES OF AMERICA, et al.,

Respondents,

On Petition for a Writ of Certiorari To The United States Court of Appeals for the Fourth Circuit

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BRIEF OF AMICUS CURIAE IOWA STATE COMMERCE COMMISSION IN SUPPORT OF PETITIONS FOR WRIT OF CERTIORARI

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THE STATE OF IOWA'S INTEREST

The Iowa State Commerce Commission (Commission) is the agency of the State of Iowa charged with the responsibility

of regulating the rates and services of telephone utility companies within the State of Iowa.

ARGUMENT

On April 26, 1976, the Commission declared in a "Statement of Policy" regarding Federal Communications Commission (FCC), Docket No. 19528, "PART 68 -- CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK: Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)," that despite the subject decision of the United States Fourth Circuit Court of Appeals, the Commission was of the view that "... the FCC's enabling legislation protected the authority of the states over intrastate telephone service, including the connection of terminal equipment, from incursion by the FCC." The Commission has accordingly rejected one proposed telephone tariff allegedly filed in compliance with the above cited FCC order for noncompliance with Iowa statutory law and presently has seven separate investigatory proceedings pending as to proposed tariffs which permit the interconnection of telephone terminal equipment once such is registered with the FCC. Resolution of these proceedings will necessarily entail a determination of the technological and economic aspects of the interconnection of customer-provided terminal equipment with the telephone network.

While the Commission has taken this action in light of the statutory duty imposed upon it, it is mindful of the conflicting authority of the scope of FCC jurisdiction which the decision of the U.S. Circuit Court of Appeals presents and therefore believes that there is a compelling need for the United States Supreme Court to resolve the conflicting views as to the scope of the FCC's jurisdiction over telephone rates and service.

CONCLUSION

For these reasons, a writ of certiorari should be issued to review the judgment and opinion of the United States Court of Appeals for the Fourth Circuit.

Respectfully submitted,

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